

1 **ROCKWOOD & NOZISKA, L.L.P.**
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5 5060 North Harbor Drive, Suite 255
6 San Diego, California 92106
7 Phone: (619) 224-7778 Fax (619) 224-7779

8 Attorneys for Plaintiffs

"VIA FAX"

9 **UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT OF CALIFORNIA**
11 **SAN DIEGO DIVISION**

12 1800 SOUTH MAPLE STREET, LLC, a
13 California Limited Liability Company;
14 RALPH J. GIANNELLA, an individual;
15 GIANNELLA PROPERTIES, INC., a
16 California Corporation; WILLIAM G.
17 AYYAD, an individual; WILLIAM G.
18 AYYAD, INC., a California Corporation; and
19 PREMIER COMMUNITIES, LLC, a
20 California Limited Liability Company.

21 Plaintiffs,

22 v.

23 ALLIED PROPERTY AND CASUALTY
24 INSURANCE COMPANY, an Iowa
25 Corporation; AMCO INSURANCE
26 COMPANY, an Iowa Corporation;
27 NATIONWIDE MUTUAL INSURANCE
28 COMPANY, an Ohio Corporation, and DOES
1 through 100, inclusive,

Defendants.

) CASE NO. 07-CV-2030 JM (NLS)

)
)
) **DECLARATION OF CHARLES L.**
) **FANNING IN SUPPORT OF**
) **PLAINTIFFS' EX PARTE MOTION FOR**
) **APPROVAL OF EQUIPMENT FOR**
) **EARLY NEUTRAL EVALUATION**
) **CONFERENCE SET FOR JANUARY 10,**
) **2008**

) Action Filed: September 10, 2007

26 I, Charles L. Fanning, declare:

27 1. I am an attorney with the law firm of Rockwood & Noziska, LLP and an attorney
28 of record for Plaintiffs 1800 SOUTH MAPLE STREET, LLC, RALPH J. GIANNELLA,

DECLARATION

ROCKWOOD & NOZISKA, LLP
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San Diego, California 92106
(619) 224-7778 FAX (619) 224-7779

1 GIANNELLA PROPERTIES, INC., WILLIAM G. AYYAD, WILLIAM G. AYYAD, INC, and
2 PREMIER COMMUNITIES, LLC. I have personal knowledge of the facts attested to herein,
3 and if called as a witness, I am competent to testify under oath thereto.

4 1. In order to promote an early resolution of this matter and foster an active
5 discussion between the attorneys, parties, and settlement judge, Plaintiffs have prepared a short
6 multimedia presentation.

7 2. Pursuant to CivLR 83.3(h), all parties were put on notice of this ex parte
8 application on January 8, 2008, via facsimile.

9 3. Attached to this declaration as Exhibit "A," is a true and correct copy of the
10 January 8, 2008 correspondence from Charles Fanning giving notice to all parties of the ex parte
11 application and a fax transmittal report of same.

12 4. On January 8, 2008, I was informed by the clerk of Hon. Judge Nita Stormes's
13 department that a personal appearance is not necessary regarding this ex parte application.

14
15 I declare under penalty of perjury and the laws of the State of California, that the
16 foregoing is true and correct and that this declaration is executed on January 8, 2008, at San
17 Diego, California.

18 
19 Charles L. Fanning IV

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DECLARATION

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EXHIBIT A



Rockwood & Noziska LLP
ATTORNEYS AT LAW

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January 8, 2008

VIA FACSIMILE ONLY

Howard M. Garfield, Esq.
Long & Levit LLP
465 California, Suite 500
San Francisco, CA 94104
Facsimile: 415.397.6392

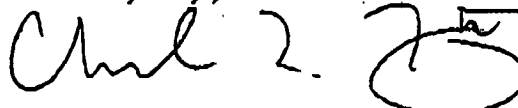
Re: 1800 South Maple et al. v. Allied Property and Casualty, et al.
Our File No.: 1026.02

Dear Counsel:

Pursuant to CivLR 83.3(h), please accept this correspondence as notice of our ex parte motion to the court requesting permission to use electronic equipment during the Early Neutral Evaluation conference set for January 10, 2008.

If you have any questions, please call me.

Very truly yours,


CHARLES L. FANNING, IV

CLF/cka

Transaction Report					
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Rockwood & Noziska LLP
 ATTORNEYS AT LAW

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FAX TRANSMITTAL

DATE: <u>January 8, 2008</u>	FILE NO: _____
SENDER: <u>Charles Fanning, IV, Esq</u>	NO. PAGES: <u>2</u>
(Including this form)	
Any problems with this fax transmission, please call (619) 224-7778 and ask for Cindy	

TO:	PHONE NUMBER:	FAX NUMBER:
Howard M. Garfield		415.397.6392

DESCRIPTION OF DOCUMENT TRANSMITTED/INSTRUCTIONS:
Correspondence from Charles L. Fanning, IV, Esq., dated January 8, 2008

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